

**From:** Jennings, Jannine  
**Sent:** Friday, December 20, 2013 2:58 PM  
**To:** Kelly Wright; Sheldrake, Beth; Rochlin, Kevin  
**Subject:** RE: EMF Cooperative Agreement Files  
**Attachments:** SBT CAG\_call notes\_12\_10\_13.docx  
  
**Categories:** 11-19 to 1-10 2014

Kelly

Thank you for getting right on the changes. Even though we've exchanged comments and are close to resolution, I thought I'd go ahead and send a copy of the agreements made during the call -- for the record.

In reviewing the notes I noted a couple items that were modified slightly in your revised work plan. Unless otherwise mentioned in the EPA comments, I'm fine with the way things are currently stated in the draft work plans.

A paragraph on resolving the 2013 charges is also included in the above document.

Jannine

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**From:** Kelly Wright [<mailto:kwright@sbtribes.com>]  
**Sent:** Friday, December 20, 2013 11:55 AM  
**To:** Jennings, Jannine; Sheldrake, Beth; Rochlin, Kevin  
**Subject:** EMF Cooperative Agreement Files

Jannine and group, please find attached a copy of the latest comments as we discussed today at 10am. Let me know if any of my changes were not correct. Thought I would get them to you today for your review.  
Thanks  
Kelly

Summary Notes for Conference Call Regarding  
Shoshone Bannock Tribes CERCLA Cooperative Agreement Work Plans  
December 20, 2013

To resolve the cost overruns on the prior (2010 through 2013) cooperative agreement, please provide EPA the exact amount that needs to be added to the Simplot and FMC accounting lines to cover all past costs. Please also include a short statement regarding the work performed under these accounting lines to show it was within the scope of the agreement, but that hours/costs were higher than anticipated.

The following changes to the new Cooperative Agreement Work Plans were agreed to during the conference call on December 20, 2013. In attendance were Kelly Wright, Beth Sheldrake and Jannine Jennings

**Term of Agreements**

The application and Work Plan (first page, third paragraph) for each Site will specify the term of the Agreement to be calendar year 2014 (January 1, 2014 through December 31, 2014). The first statement in each task "Project Management" description will similarly be modified to reflect this period.

**Deliverables**

Each task will include the following statement:

"Specific reports reviewed and activities conducted each quarter, along with the number of hours spent on each activity, will be reported in the Quarterly Reports."

**Sampling/Monitoring Requests**

EPA understands the desire of the Tribes to operate one comprehensive environmental program that is not fragmented into parts based on federal statutory authorities. However, EPA funding under this cooperative agreement is limited to CERCLA authorities and the scope to that which is reimbursable by the PRPs under current enforcement agreements at the EMF Site. As such, activities included in the work plan must be similarly limited in scope.

EPA believes the best vehicle for the Tribes' comments/concerns regarding current sampling/monitoring (either scope or quality) to be heard and incorporated into requirements under the enforceable orders with FMC and Simplot is by providing specific written comments during review of PRP documents including draft work plans, draft QAPP and sampling plans and Annual/Quarterly reports.

It was agreed that the Tribes would include a task in each Site work plan that specifically addressed the Tribes' desire to discuss these concerns with EPA and evaluate options for addressing any common concerns. This task would be funded for up to 30 hours on each site (combination of Tribal and contractor hours). If EPA and the Tribes agree that additional analytical work directly by the Tribes, independent of the PRPs, is warranted and appropriate,

the cooperative agreement can be amended to include those costs. As with other tasks, the Tribes will report the specific activities and hours spent on this task in each quarterly report.

Kelly agreed to incorporate changes to the work plans consistent with this approach.

### **FMC**

1. Task 4 – Cost Summary: Note math error in calculation of costs associated with contractor hours. The table of hours includes 320 contractor hours, but the cost table uses 440 hours as the cost multiplier.

### **Simplot**

1. Second paragraph under “Current and Future Activities” will be deleted as the scope is outside of that authorized under CERCLA.
2. Move statements in Task 2 description and deliverables that pertain to review of Simplot monitoring reports and data to Task 1. This will enable all Tribal review of Simplot documents to be captured under the same task.
3. Task 2 will be modified to reflect above agreement regarding sampling/monitoring.
4. Total hours (Tribes + contractor) will be changed so that no more than 160 hours are included under Task 1 and 80 hours included in Task 3.
5. Budget to be modified to reflect above noted changes.

### **Off-Plant**

- 1 Task 2 – narrative to be added to reflect above agreement regarding sampling/monitoring.
- 2 Table listing number of hours projected for each task -- note the numbering of tasks is currently inconsistent with narrative.
- 3 Total hours (Tribes + contractor) will be changed so that no more than 50 hours are included under Task 1 and 20 hours included in Community Involvement task.
- 4 Budget to be modified to reflect above noted changes.